

EX PARTE	§	IN THE DISTRICT COURT
	§	TARRANT COUNTY, TEXAS
BARTON R. GAINES	§	213TH JUDICIAL DISTRICT

## Applicant's Notice of Deposition on Written Questions for Records

To: **the Hood Co. Sheriff's Office**, Roger Deeds, by and through her attorney of record, Ryan Sinclair, the **Hood Co. Dist. Atty**, 1200 W. Pearl Street, Granbury, TX 76048, Phone: 817-579-3245, Fax: 817-579-3247.

1. Please take notice that, under Texas Rule of Civil Procedure 201.1, applicant, Barton R. Gaines, will take the deposition on written questions of **the Hood Co. Sheriff's Office's, Roger Deeds'**, custodian of records on (date): \_\_\_\_\_, at (time): \_\_\_\_\_, in the aforesaid Courtroom in the **Tim Curry Criminal Justice Center** on the eighth floor, 401 W. Belknap Street, **Fort Worth**, Texas 76196-0217. **The Hood Co. Dist. Atty., Roger Deeds**, is directed to designate a person or persons to testify on its behalf about the following matters:

- a. Its entire investigative file related to its service number S0201782, including any photographs of Mr. Ancira's vehicle and Weaver's gunshot wound, as well as x-rays, etc., of Weaver,<sup>1</sup>
- b. Carrie Davis' arrest record,<sup>2</sup> and

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<sup>1</sup> On page 4, lines 25-28 of the aforementioned Hood Co. Sheriff's Office's (HCSO) Service Report Number (SRN), Goin wrong that a bullet hole in the trunk of Ancira's vehicle (the bullet) split in two, penetrated the hard plastic of the backseat and, on lines 30-33, hit one of the back seat passenger's Richard L. Weaver, in the lower left abdomen, but that, although there was evidence both pieces hit Weaver, only one of the pieces of the shrapnel was located in his lower left abdomen. Applicant wants the photographs of the bullet holes in Ancira's car, and the photographs and ex-rays, etc., of Weaver's injuries.

<sup>2</sup> On page 4, lines 49-51 of the aforesaid SRN, Goin wrote he found a license plate to Carrie Davis's vehicle at the crime scene, and that he interviewed her at the Hood County Jail on 2-25-02. Applicant wants a copy of her arrest record.

- c. Stanley Thomas's arrest record<sup>3</sup>
- 2. The deposition will continue from day to day until completed.
- 3. The deposition will be taken by the Court Reporter, Shelia Walker, for the aforesaid Court.
- 4. Under Rules 176.2(b) and 200.1(b), the custodian of the records for the **Hood Co. Dist. Atty., Roger Deeds**, is required to produce at the deposition:
  - a. Its entire investigative file related to its service number S0201782, including any photographs of Mr. Ancira's vehicle and Weaver's gunshot wound, as well as x-rays, etc., of Weaver,<sup>4</sup>
  - b. Carrie Davis' arrest record,<sup>5</sup> and
  - c. Stanley Thomas's arrest record<sup>6</sup>

Respectfully submitted,

By: \_\_\_\_\_  
BARTON R. GAINES, Pro Se  
244 Siesta Court  
Granbury, Texas 76048  
Tel.: 682-500-7326  
Email bartongaines@gmail.com

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<sup>3</sup> On page 4, lines 51-53, Goin wrote Davis told him Davis gave Stanley Thomas the car. Applicant wants Thomas's arrest record too.

<sup>4</sup> On page 4, lines 25-28 of the aforementioned Hood Co. Sheriff's Office's (HCSO) Service Report Number (SRN), Goin wrote that a bullet hole in the trunk of Ancira's vehicle (the bullet) split in two, penetrated the hard plastic of the backseat and, on lines 30-33, hit one of the back seat passenger's Richard L. Weaver, in the lower left abdomen, but that, although there was evidence both pieces hit Weaver, only one of the pieces of the shrapnel was located in his lower left abdomen. Applicant wants the photographs of the bullet holes in Ancira's car, and the photographs and ex-rays, etc., of Weaver's injuries.

<sup>5</sup> On page 4, lines 49-51 of the aforesaid SRN, Goin wrote he found a license plate to Carrie Davis's vehicle at the crime scene, and that he interviewed her at the Hood County Jail on 2-25-02. Applicant wants a copy of her arrest record.

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The State of Texas  
Subpoena Deposition For Production of Documents

To: Any sheriff or constable of the State of Texas or other person authorized to serve and execute subpoenas as provided in Texas Rule of Civil Procedure 176.5.

You are commanded to summon **the Hood Co. Sheriff's Office**, Roger Deeds, by and through his attorney of record, Ryan Sinclair, the **Hood Co. Dist. Atty**, 1200 W. Pearl Street, Granbury, TX 76048, Phone: 817-579-3245, Fax: 817-579-3247., or wherever found, to appear in the aforesaid Courtroom in the **Tim Curry Criminal Justice Center** on the eighth floor, 401 W. Belknap Street, **Fort Worth**, Texas 76196-0217, in the aforementioned Judicial District Court, on (date): \_\_\_\_\_, at (time): \_\_\_\_\_, to produce and permit inspection and copying of the following documents or tangible things to be used as evidence in this case

- a. Its entire investigative file related to its service number S0201782, including any photographs of Mr. Ancira's vehicle and Weaver's gunshot wound, as well as x-rays, etc., of Weaver,<sup>1</sup>
- b. Carrie Davis' arrest record,<sup>2</sup> and
- c. Stanley Thomas's arrest record<sup>3</sup>

**Duties of Person Served with Subpoena.** You are advised that under Texas Rule of Civil Procedure 176, a person served with a subpoena has certain rights and obligations. Rule 176.6 provides the following:

(a) Compliance required. Except as provided in this subdivision, a person served with a subpoena must comply with the command stated therein unless discharged by the court or by the party summoning such witness. A person commanded to appear and give testimony must remain at the place of deposition, hearing, or trial from day to day until discharged by the court or by the party summoning the witness.

1 On page 4, lines 25-28 of the aforementioned Hood Co. Sheriff's Office's (HCSO) Service Report Number (SRN),  
Goin wrong that a bullet hole in the trunk of Ancira's vehicle (the bullet) split in two, penetrated the hard plastic of the  
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rays, etc., of Weaver's injuries.

<sup>2</sup> On page 4, lines 49-51 of the aforesaid SRN, Goin wrote he found a license plate to Carrie Davis's vehicle at the crime scene, and that he interviewed her at the Hood County Jail on 2-25-02. Applicant wants a copy of her arrest record.

<sup>3</sup> On page 4, lines 51-53, Goin wrote Davis told him Davis gave Stanley Thomas the car. Applicant wants Thomas's arrest record too.

(b) Organizations. If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency, or other organization, and the matters on which examination is requested are described with reasonable particularity, the organization must designate one or more persons to testify on its behalf as to matters known or reasonably available to the organization.

(c) Production of documents or tangible things. A person commanded to produce documents or tangible things need not appear in person at the time and place of production unless the person is also commanded to attend and give testimony, either in the same subpoena or a separate one. A person must produce documents as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged but must comply with Rule 193.3. A nonparty's production of a document authenticates the document for use against the nonparty to the same extent as a party's production of a document is authenticated for use against the party under Rule 193.7.

(d) Objections. A person commanded to produce or permit inspection or copying of designated documents and things may serve on the party requesting issuance of the subpoena - before the time specified for compliance - written objections to producing any or all of the designated materials. A person need not comply with the part of a subpoena to which objection is made as provided in this paragraph unless ordered to do so by the court. The party requesting the subpoena may move for such an order at any time after an objection is made.

(e) Protective orders. A person commanded to appear at a deposition, hearing, or trial, or to produce and permit inspection and copying of designated documents and things, and any other person affected by the subpoena, may move for a protective order under Rule 192.6(b) - before the time specified for compliance - either in the court in which the action is pending or in a district court in the county where the subpoena was served. The person must serve the motion on all parties in accordance with Rule 21 a. A person need not comply with the part of a subpoena from which protection is sought under this paragraph unless ordered to do so by the court. The party requesting the subpoena may seek such an order at any time after the motion for protection is filed.

(f) Trial subpoenas. A person commanded to attend and give testimony, or to produce documents or things, at a hearing or trial, may object or move for protective order before the court at the time and place specified for compliance, rather than under paragraphs (d) and (e).

**Contempt.** Failure by any person without adequate excuse to obey a subpoena served on the person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement or both. Tex. R. Civ. P. 176.8(a).

DO NOT FAIL to return this writ to [identify court in which case is pending] with either the attached officer's return showing the manner of execution or the witness's signed memorandum showing that the witness accepted the subpoena.

This subpoena was issued at the request of Applicant Barton R. Gaines, whose attorney of record is Barton R. Gaines, 244 Siesta Court, Granbury, Texas, 76048, Tel: 682-500-2753. You may contact Barton R. Gaines's attorney to arrange another time and date.

ISSUED on \_\_\_\_\_, 2021.

By: \_\_\_\_\_  
Deputy District Clerk  
\_\_\_\_\_, District Clerk  
Tarrant Co., Tex.

401 W. Belknap  
Ft. Worth, Texas. 76196

# Return of Service of Subpoena

I, \_\_\_\_\_, delivered a copy of this subpoena to **the Hood Co. Sheriff's Office**  
in person at \_\_\_\_\_, in \_\_\_\_\_, County, Texas, on  
\_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_.m., and tendered to the witness a  
fee of \$\_\_\_\_\_ in cash.

I, \_\_\_\_\_, was unable to deliver a copy of this subpoena to **the Hood Co.**  
**Sheriff's Office** for the following reasons:

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By Deputy:\_\_\_\_\_

Sheriff/Constable\_\_\_\_\_

Tarrant County, Texas

# Acceptance of service of subpoena by Witness under Texas Rule of Civil Procedure 176

I accept service of this subpoena.

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Witness

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Date

FEE FOR SERVICE OF SUBPOENA: \$ \_\_\_\_\_

EX PARTE	§	IN THE DISTRICT COURT
	§	TARRANT COUNTY, TEXAS
BARTON R. GAINES	§	213TH JUDICIAL DISTRICT

## Applicant's Deposition On Written Questions For Records

To: **the Hood Co. Sheriff's Office**, Roger Deeds, by and through her attorney of record, Ryan Sinclair, the **Hood Co. Dist. Atty**, 1200 W. Pearl Street, Granbury, TX 76048, Phone: 817-579-3245, Fax: 817-579-3247.

Applicant, Barton R. Gaines, serves this request for production on the above, as allowed by *Texas Rule of Civil Procedure* 196. The above must produce all requested documents (as they are kept in the ordinary course of business or organized and labeled to correspond with categories in each request) for inspection and copying, not more than 30 days after service in the aforesaid Court room on the eighth floor of the **Tim Curry Criminal Justice Center**, 401 W. Belknap Street, Ft. Worth, Texas 76196-0217.

## Instructions

1. Answer each request for documents separately by listing the documents and by describing them as defined below. If documents produced in response to this request are numbered for production, in each response provide both the information that identifies the document and the document's number.
2. For a document that no longer exists or that cannot be located, identify the document, state how and when it passed out of existence or could no longer be located, and the reason for the disappearance. Also, identify each person having knowledge about the disposition or loss of the document, and identify any other document's evidencing the lost documents existence or any facts about the lost document.
  - a. When identifying the document, you must state the following:
    - i. the nature of the document (for example, letters, handwritten note).
    - ii. The title or heading that appears on the document.
    - iii. The date of the document in the date of each addendum, supplement, or other addition or change.
    - iv. The identities of the author, signer of the document, and person on whose behalf or at whose request or direction the document was prepared or delivered
  - b. When identifying the person, you must State the following:
    1. The Full name.
    2. The present or last known residential address in residential telephone number.
    3. The present or last known office address and office telephone number.

4. The present occupation, job title, employer, employers address.

## Definitions

1. "Applicant" or "respondent", as well as a party's full or abbreviated name or a pronoun referring to a party, means the party, and when applicable, the party's agents, representatives, officers, directors, employees, partners, corporate agents, subsidiaries, affiliates, or any other person acting in concert with the party or under the party's control, whether directly or indirectly, including any attorney.
2. "You" or "your" means the **Hood Co. Sheriff's Office**, its successors, predecessors, divisions, subsidiaries, present and former officers, agents, employees, and all other persons acting on behalf of respondent or its successors, predecessors, divisions, and subsidiaries.
3. "Document" means all written, typed, or printed matters and all magnetic, electronic, or other records or documentation of any kind or description in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, consultants, accountants, attorneys, or other agents, whether or not prepared by you, that constitute or contain matters relevant to the subject matter of the action. "Document" Includes, but is not limited to, the following: letters, reports, charts, diagrams, correspondence, telegrams, memoranda, notes, records, minutes, contracts, agreements, records or notations of telephone or personal conversations or conferences, interoffice communications, email, microfilm, bulletins, circulars, pamphlets, photographs, faxes, invoices, tape recordings, computer printouts, drafts,, resumes, logs, worksheet, etc.
4. "Electronic or magnetic data" means electronic information that is stored in a medium from which it can be retrieved and examined. The term refers to the original (or identical duplicates when the original is not available) and any other copies of the data that may have attached comments, notes, marks, or highlighting of any kind. Electronic or magnetic data includes, but is not limited to, the following: computer programs; operating systems; computer activity logs; programming notes or instructions; email receipts, messages, or transmissions; output resulting from the use of any software program, including word processing documents, spreadsheets, database files, charts, graphs, and outlines; metadata; PIF and PDF files; batch files; deleted files; temporary files; Internet- or web-browser-generated information stored in textual, graphical, or audio format, including history files, caches, and cookies etc.; and any miscellaneous files or file fragments. electronic or magnetic data includes any item stored on magnetic, Optical, digital, or other electronic storage media, such as hard drives, floppy disk, CD-ROMs, DVD's, tapes, smart card, integrated circuits cards ( for example Sam cards), removable media (for example Zip drives, Jaz cartridges), microfiche, punch cards, etc. Electronic or magnetic data also includes the file, folder, tabs, containers, and labels attached to or associated with any physical storage device with each original or copy.
5. "Possession, custody, or control" of any item means that the person either has physical possession of the item or has a right to possession equal or superior to that of the person who has physical possession of the item.
6. "Person" means any natural person, corporation, firm, Association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all predecessors or successors in interest.
7. "Mobile device" means any cellular Telephone, satellite telephone, pager, personal digital assistant, handheld computer, electronic rolodex, walkie-talkie, or any combination of these devices



## Deposition on Written Questions

1. Please state your full name, occupation, official title, and business address.
2. Are you the custodian of records for the **Hood Co. Sheriff's Office**.
3. In your capacity as custodian of records for the **Hood Co. Sheriff's Office**, are you familiar with whether they maintain records of its business activities?
4. Are the records of the **Hood Co. Sheriff's Office** kept under your care, supervision, custody, or control?
5. Was it in the regular course of business activity of the **Hood Co. Sheriff's Office** for its employees with personal knowledge of the act or event described in the requested records to make such record or to transmit such information to be included in the records?
6. Were
  - a. Its entire investigative file related to its service number S0201782, including any photographs of Mr. Ancira's vehicle and Weaver's gunshot wound, as well as x-rays, etc., of Weaver,<sup>1</sup>
  - b. Carrie Davis' arrest record,<sup>2</sup> and
  - c. Stanley Thomas's arrest record<sup>3</sup>made at or near the time of the act or event described in the records, or within a reasonable time thereafter:
7. Were
  - a. Its entire investigative file related to its service number S0201782, including any photographs of Mr. Ancira's vehicle and Weaver's gunshot wound, as well as x-rays, etc., of Weaver,<sup>4</sup>

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<sup>1</sup> On page 4, lines 25-28 of the aforementioned Hood Co. Sheriff's Office's (HCSO) Service Report Number (SRN), Goin wrote that a bullet hole in the trunk of Ancira's vehicle (the bullet) split in two, penetrated the hard plastic of the backseat and, on lines 30-33, hit one of the back seat passenger's Richard L. Weaver, in the lower left abdomen, but that, although there was evidence both pieces hit Weaver, only one of the pieces of the shrapnel was located in his lower left abdomen. Applicant wants the photographs of the bullet holes in Ancira's car, and the photographs and x-rays, etc., of Weaver's injuries.

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- b. Carrie Davis' arrest record,<sup>5</sup> and
  - c. Stanley Thomas's arrest record<sup>6</sup>
- made and kept in the regular course of daily business activities by the **Hood Co.**

**Sheriff's Office.**

8. Were

- a. Its entire investigative file related to its service number S0201782, including any photographs of Mr. Ancira's vehicle and Weaver's gunshot wound, as well as x-rays, etc., of Weaver,<sup>7</sup>
  - b. Carrie Davis' arrest record,<sup>8</sup> and
  - c. Stanley Thomas's arrest record<sup>9</sup>
- transmitted to your files, and did you maintain the records as part of your official duties as the custodian of records?

9. Please hand the originals or exact duplicates of

- a. Its entire investigative file related to its service number S0201782, including any photographs of Mr. Ancira's vehicle and Weaver's gunshot wound, as well as x-rays, etc., of Weaver,<sup>10</sup>
- b. Carrie Davis' arrest record,<sup>11</sup> and
- c. Stanley Thomas's arrest record<sup>12</sup>

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that, although there was evidence both pieces hit Weaver, only one of the pieces of the shrapnel was located in his lower left abdomen. Applicant wants the photographs of the bullet holes in Ancira's car, and the photographs and x-rays, etc., of Weaver's injuries.

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<sup>12</sup> On page 4, lines 51-53, Goin wrote Davis told him Davis gave Stanley Thomas the car. Applicant wants Thomas's arrest record too.

to the court reporter taking your deposition for photocopying and attachment to this deposition. Have you now given all of the requested records identified above to the court reporter taking your deposition? If not, identify for the court reporter the records and documents you did not produce and explain why you did not produce them.

10. In the event you are unable to find any of the requested records in applicant's subpoena, or otherwise requested herein, how long does the **Hood Co. The Sheriff's Office** maintain its files, and does **Hood Co. Sheriff's Office** ever destroy its files and when?
11. Are you aware of any other entities or persons that may have possession of records pertaining to the subject matter of this lawsuit? If so, please state the name and address of such other entity or person, if known.
12. Have you been requested or directed by any person to withhold or protect, for any reason, the requested records identified in applicant's subpoena, or otherwise requested herein? If so, please state the name and address of the person who conveyed this information to you and when such event occurred?
13. Do you know or have reason to believe that the requested records identified in applicant's subpoena, or otherwise requested herein, have in any manner been edited, purged, culled, or otherwise altered? If so, please identify the records and explain why and how they were altered or removed.
14. If any document responsive to the requested records identified in applicant's subpoena, or otherwise requested herein was, but is no longer, in your possession, custody, or control, or no longer exists, state whether
  - a. It is missing or lost,
  - b. It was destroyed,
  - c. It was transferred to others, or
  - d. It was otherwise disposed of, and explain the circumstances surrounding its disposition, including the date of such disposition.

Respectfully submitted,

By: \_\_\_\_\_  
BARTON R. GAINES, Pro Se  
244 Siesta Court  
Granbury, Texas 76048  
Tel.: 682-500-7326  
Email bartongaines@gmail.com